IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24269 of 2004

Between:

S. Maqsood, S/o. Syed Mahaboob,
Mahaboobnagar Depot, R/o. Mahabubnagar, Mahabubnagar District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Mahabubnagar Region, Mahabubnagar.
3 The Depot Manager, APSRTC, Mahabubnagar Depot, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in not providing alternative employment and retiring the petitioner from service vide Proc. No. P2/693 (1)/2001 Mahabubnagar Dt. 11.1.2001 as illegal, and contrary to the provisions of Sec. 47 of the persons with disabilities equal opportunities protection of rights and full participation Act, 1995 is illegal, arbitrary and against to the principles of natural justice and violative of Art. 14, 16 and 21 of the Constitution of India and as such set aside the same with a consequential direction to reinstate the petitioner forthwith in any alternative employment in the interest of justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO :24269 of 2004

ORDER:

Inasmuch as not providing alternative employment and retiring the petitioner from service vide proceedings dated 11-01-2001, issued by the 3rd respondent-Depot Manager, AP State Road Transport Corporation, Mahabubnagar, contrary to the provisions of Section 47 of the Persons with Disabilities (Equal opportunities protection of rights and full participation) Act, 1995 (for brevity 'the Act, 1995'), the present writ petition has been filed.

2. The petitioner was retired from service on medical grounds on his own request. The petitioner himself sought for retirement on medical grounds by virtue of his letter dated 08-01-2001. Therefore, the respondent-Corporation retired the petitioner on medical grounds under Regulation 6.A (4) of AP State Road Transport Corporation, Employees (Service) Regulations, 1964. Hence, the question of providing alternative employment under Section 47 (2) of the Act, 1995 does not arise, since at request of the petitioner, he was retired from service on medical grounds.

3. Now, the main allegation made by the petitioner is that the letter said to have been produced by the petitioner was taken by the respondent-Corporation by coercion so as to retire him from service. It is a question on fact to be decided in an appropriate forum by adducing necessary evidence but not by this Court.

4 . Therefore, the writ petition is devoid of merit and is accordingly dismissed at the admission stage. No costs.

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March 23, 2005

Kvr

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To

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Mahabubnagar Region, Mahabubnagar.
3 The Depot Manager, APSRTC, Mahabubnagar Depot, Mahabubnagar.

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